## THE KANSAS QUESTION.

Opinions of the Cabinet on the Lecompton Constitution.

## THE LATEST NEWS FROM KANSAS.

The Vote on the Constitution—Free State Men Stay Away from the Polls—Quiet Election —Address of Gen. Denver, &c., &c. SPECIAL CORRESPONDENCE OF THE HERALD.

A gentieman has just arrived here from Topeka, Kan-sas, bringing intelligence from Lecompton up to the 22d instant. The vote on the 21st, so far as had been heard from, had passed off quietly in all parts of the Territory, the free State party generally refusing to vote, and the pro-slavery party being allowed quietly to go to, remain at, and return from the polls. At Lecompton 133 votes are said to have been polled, of which the pro-slavery party had a majority of 69. The polls were open at Lawrence all day, but only one man attempted to vote: he was challenged and left the polls; so not a single vote was cast in Lawrence on the slavery clause of the Lecompton constitution. In the town of Shawnee 700 votes were cast, all of which were pro-slavery. At Topeka the polls were open all day, but not a vote was cast. Twenty Missourians are reported to have gone over from Independence, Missouri, to vote in the Territory on the 21st, but

nothing has been heard from them here yet.

On the 22d inst. a crowd of fifty men, says my informant, left Lawrence and went to Lecompton to seize upon the United States arms there. The Legislature, which was called together by the then Acting Governor Stanton, djourned on Wednesday the 16th. You are already acuainted with what was done during their session.

I send you herewith the address of General Defiver,

the Secretary of the Territory, and new Acting Governor.

the Secretary of the Territory, and now Acting Governor. He took his seat on the 21st. Though no disturbance, so far as is yet known, occurred on the 21st, yet the affairs of the Territory bear by no means a peaceful aspect. Bo dies of armed men, acknowledging—if any—opposite authorities, are marching through the Territory. The question as to how soon these will be brought into conflict with themselves, and with or for the federal government, depends seemingly upon the alightest causes.

The roads between here and Leavenworth are in a dreadful, almost impassable condition. Some thirty or forty persons have been writing here for some time past to find means of getting into the Territory. The steamer E. A. Ogden took on board freight and passengers, yesterday and the day before, to go up the river to Leavenworth, but not having sufficient to satisfy the pecuniary demands of the trip, both are now being rapidly transferred to the Tut, which arrived an hour ago from St. Iouis, and starts in five minutes for Kansas. So I must close this note and steam up the Missouri.

GOV. DENVER'S ADDRESS TO THE PEOPLE OF KANSAS.

GOV. DENVER'S ADDRESS TO THE PEOPLE OF KANSAS.

Having been appointed by the President of the United States to the office of Secretary and, during the Govern-or's absence. Acting Govern or of this Torribory, it is proper that I should make you a brief address, sufficient to indicate what my future course of action will be. The troubles and difficulties with which the people of the Territory have been involved makes this the more necessary, for it would be unreasonable to expect any one occupying this position to escape misrepresentation and abuse. The passions of many have been so thoroughly aroused, and long standing difficulties have so embittered the feelings of one portion of the community against another, that it has been represented as almost impossible to find any one willing to listen to the voice of reason. This I am not prepared to believe. That there are some violent men who have assumed to speak by authority for the people at large, and counsel such measures as must necessarily, if followed, lead to blook-ned, anarchy and confusion, I have no doubt; but it will require more than bare assertion to satisfy me that there is not yet enough of the conservative element remaining to uphoid and enforce the laws, by which alone the lives and property of our citizens can be protected, and the honor of the commyr preserved.

It is the carnest desire of the Fresident that a fair opportunity should be afforded all the people of the Territory at the approching elections to give a full and free expression of their opinions, and as an evidence of this I give the following quotations from his instruction to me, through the Secretary of State, dated December 11, 1857.—

The Convention which met at Lecompton on the 1st of September had framed a considiation, and find authorized its President to submit the question to the people on the 21st of 10 people on the 31st of 10 GOV. DENVER'S ADDRESS TO THE PEOPLE OF KANSAS.

said the Acing Governor was bound to employ all the legal of contents at his command to give security and fairness to the election.

The condicting opinions which prevait in the Territory, he says, "had their appropriate issue at the bailot box, and to that peacetular bitrament they might safely be referred. The groat objects to be secondpished, in he opinion of the President, were to preserve the peace of the Territory and secure the recomment the checked. It readily understand what the President of the checked in the opinion of the peace of the territory and secure the recomment to extend the recomment to the checked in the opinion of the President, were carries as the chief duty which devives upon your as Mr. Stanton is successor. This duty is to preserve the peace in Kanste. Every person entitled to vote under the constitution ought to have safe access to the polls, and to be free from any restreat which we have a second to the polls, and to be free from any restreat which the service of the polls and to be free from this person of the United States should be employed in and if it must be a whee precention to have them stationed advance winn reach of those piaces where, in your justice advance winn reach of those piaces where, in your justice mean, bein services are their to be required. "They the testrentions heretofore given refer prominently to the preservation of peace at cream important elections; but I need hardly inform you have your duty is not insended to be confined to these special occasions. It extends of course, to the provised in the provise of their just rights and applies as well to one legal election as to another. The Territorial Legislature, duribless, convened on the 7th

probable that this report can be well founded. But should the alternit be made and lead to practical collision with the Territorial authorities, the authority of the government must recreasily be maintained, and from whatever quarter it is micropically be maintained, and from whatever quarter it is micropically be maintained, and from whatever quarter it is micropical to marfere by violence with the elections authorized to the Constitutional Convention, or which may be authorized by the Legislature, the attempt must be resisted and the accurity of the election maintained. The peneable progress of these elections can obviously consisten no injury to any eithern or any party, because their results can have only their the weight under the constitution and have only their time the propie of Kansas, should not be it is vitally import any that the people of Kansas, soul no other into the people of Kansas, should have the foliocist control of the people of Kansas, should have the foliocist control of the people of Kansas, should have the foliocist control of the proper to said that no action of the Period. The proper to said that no action of the Period. The proper to said that no action of the Period. The proper to said that no action of the Period. By these instructions it will be seen that my duty is plainty marked out, and as my own views on these subjects entirely accord with those of the Periodant, I shall bind no difficulty in obeying them; and I trust that all good cutters will assist me in preserving the peace of the Territory and at the same time settle the questions which now perplex them. It is far more easy to do this through the balled box than by the sword, and in that way it can also be done much more speedily. It is much to be regreted that one portion of the people have readed attendance at the polis the question of sharery would have been fully and chamiltedly settled. The American people can herer determine a political question by absenting the subjective, and the majority that might have been give

given.

It is asserted by some that persons from other States have interferred in the elections, and that frauds have been perpetrated, by which they have been overpowered and deprived of their rights. These charges may be true; but if so, the evils they complain of will not be remedied by absenting themselves from the poils. American citizens can never preserve their rights by abandoning the elective franchise, and punishment too severe cannot be inflicted on the man who, by violence, trickery, or fraud, would deprive them of it. There is no question connected with our government which ought not and cannot be amenably settled by it. It is true that a question may be presented in a manner objectionable to some, but that

be amicably settled by it. It is true that a question may be presented in a manner objectionable to some, but that is not a good reason to refusing to vote; for if the majority wills at the difficulty can some be remoded by presenting the question in the manner required.

This has been one of the reasons assigned why a portion of the people will not vote to-day—that the question has not been fairly presented. Another is, that they anicipate frauds. I have seen General Calbon, the President of the Convenient. Calboun, the President of the Convention, to whom the returns are to be made, and besides assuring he that he has cone and will continue to do all he can to have the elections tarry and properly conducted, has included my-gelf and the presiding officers of the two houses of the Torritorial Legislatures to be present at the counting of the votes. If a majority of the people are dissatisfied with the results of these elections, they can soon change them in a peaceable manner by a resert to the ballet box.

A very stringent has was passed at the last ossion of the Legislature providing for the infliction of avere penalties on persons engaged in election frames. This act meets with my most bearty approved, and it is not yet with cheat, stringent, I will gladly assist a making a more so. It is not possible to throw too many guards around the groot browners which is the very foundation of our free institutions.

great bulwark which is the very foundation of our free institutions.

I cannot close this address without warning the people agoinst allowing themselves to be drawn into quarrels originating in condition a drawn into great the present condition a artary in this review, designing more will seek to turn very thing of the sort opolitical account. Many troubles and the case of many valuable have any of traced by this came, and prope should be cannon about taking sides on political grands in some matters as are of a purely personal classifier.

In the discharge of my onlies, I will take such steps as will a my judgment best contribute to many out the view above expressed for the majority of the is as must and all its manualized. In these matters I shall expect the co-operation of all good cissus, and chandle my expectations be realized, I have no loars but if at neace will be preserved.

DECEMBER 21, 18-7. Secretary and Acting Go armor.

PROGLAMATION TO THE PUDLE OF KANSAS TERRITORY.

PROCLAMATION TO THE PLOPIE OF KANSAS TERRITORY. In pursuance of the 2d section of the act of the Logislative Assembly approved Dec. 17, 1867, counted "An art submitting the constitution framed at Lecompton, under the act of the Legislative Assembly of Kansas Terratory, entitled "An act to provide for taking a census and of election of delegates that Convention, massed February 19, 1867," Prederick P Status, acting Governor of Kansas Terratory, a levely appoint the following Commissioners for the several counting animal, whose duty if

shall be, in pursuance of said law, to establish voting pre-cincts in their respective counties, and appoint three judges of election in each precinct, for the election to be held on the 4th day of January, 1858, to wit:— Leavemeerth County—Adam Fisher, S. N. Latta and Geo.

tague. Calhown—Abram Ray, Wm. Owens and Dr. Oden. Jefferson—Wm. Grigsby, Jesse Newell and J. Hollingsworth.

Shaunee-A. Polley, W. S. Gaylord and Elliott Carriger.

Coffey—Wm. R. Saunders, S. M. Parsons and Hardin
McMahon.

Woodson—Charles Cameron, John Woodman.

Richardson—James Fletcher, S. T. Ross, S. A. Baldwin.

Breckinridge—Dr. E. P. Bancroft, E. Goddard, William

Grinsley.

Machison—A. D. Graham, S. C. Brown and Harman G.

Madison—A. D. Granam, S. C. Breva and James D. Elliott.

Johnson—Beej. Dare, Joseph Mathews and James D. Allen.

Lykins.—H. H. Williams, John Yelton, Dr. W. Heiskill.

Linn—David Sibbest, E. Barnes and Dr. J. H. Barlow.

Bourbon, Dorn and McGee.—B. R. Newton, John Hamilton, Gov. E. Ransom.

Dovider.—Robert J. Nelson, J. B. Abbot and James

Ransom. pert J. Nelson, J. B. Abbot and James Blood.
Franklin.—Jacob A. Marcell, P. P. Elder and J. A. Reid.
Anderson.—Davis Frankinberger, Dr. R. Gilpatrick and
Wm. F. Arney.
Allen and Greenwood.—J. A. Coffee, Watson Stewart and
A. H. Riever.
Davis.—Jas. W. Blair, E. M. Thurston and Wm. B. Marchall.

Davis.—Jas. W. Blair, E. M. Thurston and Wm. B. Marshall.

Wise.—T. S. Huffacker, E. Mesier and S. M. Hays.

Hunter.—E. R. Zinnnerman, Dr. Weibly.

Given under the seal of the Territory, at Lecompton, this the 19th day of December, 1857.

FRED. P. STANTON, Acting Governor.

LIST OF ACTS PASSED BY THE KANSAS LEGISLATURE.

[Correspondence of the Cincinnati Gazette.]

QUINDARO, K. T., Dec. 19, 1857.

The Legislature adjourned sine die, at 5 o'clock Thursday evening. Before doing so, it passed a bill repealing the famous "Rebellion act," and another, directing the prosecuting attorneys of the Territory to enter notic prosequis in all cases new pending under the "Rebellion law." Gov. Stanton vetoed both these bills, but the former was immediately re-enacted over his disapproval. The following is a synopsis of all the action completed at this extra session.—

mer was immenately re-enacted over his disapproval. The following is a synopsis of all the action completed at this extra session.—

1. Passage of the Militia bill, and election under it of a Territorial Military Board.

2. Joint resolutions protesting against admission into the Union under the Lecompton constitution.

3. Concurrent resolutions, re-affirming the Topeka constitution, and praying for admission under it.

4. Act for the punishment of all election frauds.

5. Act repealing the bogus law under which the Lecompton constitution was framed.

6. Act for submitting the whole Lecompton constitution to a vote of the people.

7. Act repealing the Rebellion law.

There is much censure case upon the members that they did not provide for re-submitting the Topeka constitution to the people. The public sentiment is likely to force them into such an enactment at their regular session, which commences on the first Monday in January.

to the people. The public sentiment is likely to force them into such an enactment at their regular season, which commences on the first Monday in January and the feelings other, that it of the people at 5 and any one I am not preceded in the people at 5 and any one I am not preceded in the people at 5 and any one I am not preceded in the season of the people at 5 and a fair optice of the season of the ferritory of the ferritor tem of government is exposed. As long as a Territorial organization exists, the country it embraces will feel the effect of external influence in important questions, and efforts to control them will be continually made, whatever perils may be in the way of the interference. Such now is the condition of Kansas, and no just and patriotic man can contemplate that condition without serious apprehension. By the mercy of God, rather than by our own wisdom or forbearance, we have thus far escaped that last sectional controversy, which when it comes may bring with it the destruction of this fair fabric of political freedom. But we have a security against this danger, if we can consent to abandor this fearful controversy and adopt it, and that is the admission of Kansas into the Union under a constitution formed in pursuance of lawful authority as prominently out forward in the message. Pass a law for the conversion of the Territory into a State, and you say at once to the dangerous and conflicting elements, "Peace, he still." The sterm will be hushed, the institutions of the country, whether domestic or political, with he regulated by the people of the country, and but a few brief months will pass away before peace and quiet will be restored, and this alarming contest remembered only for the lesson of forbearance it would inculcate. This is precisely the view taken of the subject by the President, and I trust, gentlemen, I do not doubt indeed, that the same view will be taken by the partotic citries to be assembled within sight of the Hail of independence, to deliberate upon the condition of the country and to pass judgment upon the condition of the country and to pass judgment upon the condition of the country and to pass judgment upon the condition of the country and topas.

To George Phitt, Esq., and others, committee Philadelphia.

LETTER FROM THE HON. FOWELL CORD.

To GEORGE PLATE, Esq., and others, committee, Philadelphia.

LETTER FROM THE HON. FOWELL COBB.

WASHINGTON, Dec. 26, 1857.

I regret that it will not be in my power to be present at your proposed meeting on Monday next. It would give me shoere pleasure to unite with you in endorsing the message of the President, and "especially that part of it recommending the speedy admission of Kansas as a State under a constitution formed in pursuance of lawful authority." You have rightly construed the message. The policy of the administration in regard to Kansas is the legitimate reself of the principles mon which Mr. Buthanan was elected. In recognizing the legality of the Leompton Convention, and recommending the admission of Kansas as a State into the Union, in conformity to the action of that Convention, the President has given to the country the assurance of his wise and fixed purpose to carry out in good faith the great principle incurporated into the Kansas bill of allowing the people of Kansas to decide the question of slavery for themselves and in their own way. If his carriefly abstained from the exercise of any influence either directly or indirectly to make Kansas a free or a slave State; his whole policy has been characterized with an exercise of the whole policy has been characterized with an exercise promise of the context that the interior way." You meet to respond to and endorse this policy, and in so doing you only reiterate the principles of the democrate party, as contained in the Nebraska-Kansas bill, affirmed in the Concinnati platform, and everywhere maintained by the democracy of the Union.

Kansas has been the fruitful source of exciting issues Political parties and public mus have failen in the context. They were found unequal to the occasion, and have

form, and everywhere maintained by the semocracy of the Union.

Kansas has been the fruitful source of exciting issues. Political parties and public men have fallen in the contest. They were found unequal to the occasion, and have peased away to make room for other organizations and other use. The democratic nerty slove has sood firm and unburmed amidst the general week. The reason is as simple as it is suggestive. In the first hour of the contest we announced the principles upon which our party stood, and athering to them in every plasse of the question, our progress has been as stoody as our ultimate triumpn was certain. The desturbing cause was the question of slavery in Kansas. Apart from this course was no difficulty and no excitement. The principle advised by the democratic party was to let the people of figures decide it for themselves, and it their own way, this course was so manifestly just and right that it commanded the conference of the country, and Mr. Buchanan was elected to the Presidency to carry it out in good faith. Among the many issues made by the opposition was the specificacied. The position of the democrate party has been, from the beginning, that the people of finance the country and was researched. The position of the democrate party has been, from the beginning, that the people of finance make known their will in the mode and noweer prescribed by law. How else could it be accordance? The regulated was freestable, and the opposition vainly straggind to excite the public mind of the country against a principle so clear, and, indeed, so essential to the very extreme of government. The democrate party against a principle so clear, and, indeed, so essential to the very extreme of government. The democrate party against a principle so cleared against it on the ground that it violated the country, and the people decided in the election of Mr. Buchanan in favor of the democratic party and the law. At every stage of the Kansas question this since has arrived, and just as often as it has been pr

No settlement of the questions is accognished to them called the control associated to the part of the stander of the conference with the control associated to the product of the product

frame a constitution, and the regularity of every step that they had taken in this behalf, were indispatable.

Such were the laws which the President was bound to see executed, and such the modes under which it was his duty to see that the people of the Territory should be free to form their demestic institutions unmolested and andisturbed. His only alternative was between enforcing the laws and disregarding the laws. There was no option, and he pursued the plain line of duty. He could only enforce the laws as they were written. To have done otherwise would have been pusilianimous; to have done otherwise would have been, in effect, to abrigate them, and to interfere in matters which the national Legislature and the people of the Union had decreed should be left to the decision of the Territory.

For one, I do ngt fear the verdict of the conservative people of conservative Pennsylvania and the conduct of the territory.

For one, I do not test the verdet of the conservative people of conservative Pennsylvania and the conduct of their President. On a question whether the laws of the country shall be administered—on a question whether an executive who has faithfully administered the laws of the country, shall be summined by the popular voice, II do not fear the verdet of Pennsylvania. A State which has so signal, said the Union will not speedly repent of the hobic act. A state which, closing her ears to the arguments of sophistry, the appeals of faction, and the claimer of a noisy and take philanthropy, has recently so resolutely voted her confidence in the integrity and patriotism of James Bucharan, her own son, will not turn her back upon him for executing the laws of the land. A State which has supported her son during a long public care or will not forsake him in his last puelle service, when his only aspiration can be to render her name and his own illustrious by a pure, honest and faithful administration of his arduous office.

LETTER FROM HON. ISAAC TOGET.

I have bad the honog to receive your letter inviting me to be present at a public meeting to be held in the city of Philadelphia, on Joudsy, the 28th of December, 'for the purpose of endorsing the message of President Buchanan, especially that part of it recommending the speedy admission of harsas as a State, under the constitution framed in pursuance of lawful authority.'

I regret that it will not be possible for me to be present on the occasion, and to join with you in the demonstration of public sentence which it will elicit.

While the message of the President has commanded, in a most remarkable eagree, the approbation are projected for all the Presidential elocation, and when that we will be licit. While the residential elocation, and what has long engaged too large a share of patblic attention. For the last few years it has been the engaged in a long protracts and bit ter conflict for the right of the people of Kansas; to the propole of Kansas; to the propole of

code it is against him.

The reword of the committee Convention was certainly not reversed the provision which they knew to be wrong or believed to be disapproved by their constituents, and dishonestly refused to submit it, then it should be regarded with the contempt due to a cheat. But where is the evidence of any such fraud? The Convention had no motive to commit it. They and their constituents idd not differ on the necessity of having a constitution, nor on any but one subject embraced within its provisions. On every other subject the unanimity of opinion was as perfect as it ever was in any of those States where a constitution was not submitted at all. It is easy enough to about these men, but a fair minded person will not accuse them with the submitted of the proposed of their delegated authority, and to leave the subject on which there was division to a fair vote of the people.

The President seeing a constitution about to be established for Kansas by legal authority, what could be do? He might regret some things that were done—he might disapprove of others—he might wish that it had been different in many respects—but still, if it was the lawful work of a lawful body, could be set it assists.

The president seeing a constitution about to be established for Kansas by legal authority, what could be do? Pennsylvania legislature his has to vete an act of the Pennsylvania legislature his has to vete an act of the Pennsylvania legislature his has to vete an act of the Pennsylvania legislature his has to vete an act of the Pennsylvania legislature his who fervently and freely what all the people, laying aside their animosities and preventions, should come to the polls and there peacefully decide a question which, as long as it remained open, would produce nothing but excuses for crime and rebellion. He elevies a discussion is to each of the opposition to almost him it cannot be beinged; if they have applied to his reason and jodgment will room enhanced the opposition to almost him in the hatton to a finite him

subject, and carry out, their views, by their votes at the elections which had been ordered.

The opportunity was given; the appeal was made; the people of Kansaa wee called upon to decide the character of their domestic institutions in their own way; and no democrat, from the North to the South, who regards good by the decision of the people. If they decide that the constitution shall be sent here with no slavery, the democrat of the South who refuses to respect that decision repudiates his other repeated plodes and dishonors himself. If they decide that the slavery clause shall be inserted, for feels all claim to be trusted.

I those the vote on the 21st inst. was full and decisive, but if it should appear that the citizens of Kansas have refused to vote, because they are indifferent to the result, or of correct plants.

Hut when a constitution thus framed, in accordance with law, is submitted to Congress, the doctrine of non-intervention established by the Kansas Nebrauka bill, which organized those Perrinders, requires that the action of the continuous micro the proposed programs of the proposed proposed to the continuous micro the proposed proposed to the continuous micro the proposed proposed to the continuous micro the proposed proposed to the proposed proposed to the continuous micro the proposed proposed proposed to the proposed pr

But the most frequent objection taken to the action of the President on this Kamasa subject has been that he has sustained the existing Ferritoria; government of Kanasa, sustained the existing Ferritoria; government of Kanasa, substained the existing Ferritoria; government of Kanasa, pority of the people are in fact opposed to both, and to the profit of the people are in fact opposed to both, and to the recognition on bether in any form or shape whatever. In the light of reason and truth and of the Cincinnati platform, let us try the action of the President on this objection. The platform declares that the question of slavery (no other) is to be declared by the people, acting through the fairly expressed will of a majority. Ac. A majority of whom? Why of those vetting, not those who do not or will not come forward and vote at all, and whose numbers there are no means of determining. If they have an opposite the company of the president to guard and protect them in voting, and yet they will not, who is to blame? If they take no concern in voting, in not proof that they are willing to abide by the result produced by those who do vote? If they stay away and refuse to vote, because they will not recognize the validity of that action of Congress that passed the act of organization, or because they will not recognize the validity of that action of Congress that passed the act of organization, or because they will not recognize in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any form or shape the legality of the late Convention, in any bellions elicity and the convention of the late of the late Convention, in any form or shape the condition of the late Convention, in any form or shape the condition of the late of the lat

States, and the assurances gives by the democratic party in convention assembled. When Kanasa so presents herefully the President in bis measage amounces her approach, he defails the story of heg trials and conflicts in thus getting ready for admission and recommends to Congress favorable action upon her application. Is it for this that he is now to be denounced? He and the democratic party in Congress have secured to the people of Kanasa the enjoyment and exercise of the great right of self government in its broadest sense. They have stood by them through all the horrors of rebellion and civil war, and brought them safely to the doors of Congress, knocking for admission into the great family of American States, who now threatens to refuse her admission. That very black requibilizan party which always denied this right to the people of Kansas to settle the slavery question for themselves, but maintained that Congress alone should exercise it, they now revive the claim on the part of Congress to set aside the decision of the people of Kansasas abrogate their action both in form and substance, and to transfer to Congress the high and dangerous powers which threaten at no distant day to shake the Union to its centre. The old issue is revived—the issue that was fought in the last Presidential contest on the Cincinnati platform. In this renewed contest out the Cincinnati platform.

Convention, fashing defance in the face of the cenery, will now be found ranged under the banners of that manners of that manners of that manners of the cenery of

## Before Hon. Judge Davies.

DEC. 29 .- In the Matter of the Widening of Reads street from Broadway to Washington street. -This long talked of matter came to a head this morning. The parties in inmatter came to a heat this morning. The parties in un-terest were variously represented by some of the most eminent counsel in the city. We noticed present, and taking part in the proceedings, Messra Wm Curts Neyes, Jno. E Devlin, Jno. E Burrill, Jas. R. Whiting, Jno. McKeon and other eminent legal gentlemen. After the exparts business had been despatched, Richard Bus-Juo. McKeon and other eminent legal gentlemen. After the exparts business had been despatched. Richard Buateed, Eq., the Counsel to the Corporation, arose and very briefly moved the confirmation of the report of the Commissioners of Estimate and Assessment herein, pointing at the same time to a penderous booking document lying see his table. Mr. Burrill immediately arose and proceeded to state sundry objections to the confirmation of the report, the material one constitute by the state for the presentation of objections to the Commissioners had not been given. Numerous affidavits in support of this wave read by Mr. Burrill, from which it appeared that the first publication of the notice was made on the 17th of October, 1857, in which the time to put in the objections was limited to the 10th of November, 1857. A question was also raised as to the title of the contesting Street Commissioner and the regularity of the proceedings growing out of the published notices. Several professional gentlemen were heard upon behalf of the interests they represented, when the Judge intimated he would like to hear what the Counsel to the Corporation bad to say in support of the motion.

Mr. Busteed then arose and addressed the Gourt substantially as follows—I am very happy, if the Court please, that the time has arrived when the Counsel to the Corporation of the city of New York can be, upon behalf of his clients, publicly heard in this matter. I am all the more happy because of the unkindaessee of instination and avernment which the law department of the city has been the subject in respect of this centemplated improvement—avernments going to the indecent length of stating that the delays in the confirmation of the report of the Commissioners was owing to the corrupt negligence in the department of which I am chief. Your honor is aware—indeed it is a part of the current judicial as well as political history—that the title to the office of Street Commissioner of this city has been, and till continues to be, a subject of legal st

the office of Street Commissioner of this city has been and still continues to be, a subject of legal strife—one contestant claiming the office by virtue of an appointment by the Mayor and Aldermen of the first municipality of the United States. The law officer of the Corporation in the first stages of this controversy expressed his equinon in favor of the right of the corporate appointment by the Mayor the right of the corporate appointment. He was constantly besieged by professional gentlemen and others to facilitate the proceedings in this matter, by filing the maps and abstracts. It was unwilling to risk the title to be acquired by the city in the lands to be taken for this improvement by doing or suffering any act not contemplated by the statutes applicable to these proceedings. At the request of James R. Whiting, Erg., I allowed him to take a copy of the abstract, and he caused it to be deposited with Mr. Canover. The original abstract and maps I deposited with Mr. Devlin, in the Street Commissioner's editor, and to the fit day of October, 1857, as appears by the advortisements and their hieroglyphics, which, as an expertisements of the statutory notice to be published in four of the daily newspapers of the city. It now appears that some person, without my knowledge or consent, altered these notices; and thus created the difficulty which is suggested by the objectors. It is due to myself and to my associates in the law department, especially in view of the anonymous and cowardly attacks of which, in this connection, I have been the newspaper object, that I should make this explanation of, what unexplained, would appear to be a neglect charges the has afforded with the previse and to the previs

## Supereme Court-General Term Before all the Judges.

Dec. 30 -Ductsions -- John Howard March vs. Aller Loury, -- Motion for a new sale. The Court say the sale must be vacated and a new sale be made on the defendant paying the purchaser, who opposes the motion, \$260, and paying to the plaintiff \$10, the costs of the motion, as also the costs of advertising the sale heretofore in-

as also the costs of anvertising the curred.

West. G. Latham vs. John J. F. Westernell, Sheriff. dc.,
of New York.—Judgment for the plaintiff affirmed with

In the Matter of the Empire City Bank.—Judgment of the special term for the claimants against the bank affirmed will coats.

Joseph W. Benson vs. Charles F. Cromeell.—Judgment below affirmed, except as to the part which gives damages, costs and allowance to the defendant; as to that part, it is reversed. Neither party to have costs as against the other.

e other. Was Moulirie vs. Beng. F. Hunt.—Decree of Surrogale

the other.

Was Montier vs. Beny F. Hunt.—Decree of Surrogata affirmed with casts.

J. McPherson Berrian vs. Issue M. Wright.—Judgment for the planniff affirmed with casts.

Theobasia G. Feeder vs. Levis A. Depay.—Judgment of the special term modified; the whole will sustain as valid; the uscenters are not trustees of the real estate which was not converted into money by the mere authority to sell it. Judge Corke descented.

Charles Benedict vs. Garriel N. Denedict—Order discharging the purchaser, reversed without costs to either party. Judge Roceevelt dissembed.

Baker vs. I'ents.—The same vs. the same.—Motion for a new trial. Molion granted, cesse to naide the event.

Belian vs. Dester —The orier of the appeals term dismissing the complaint reversed, and the right of the parties to the \$60.000 found passed upon according to the opinion of Mitchell Justice, with leave to now to amount, A:

James Bellvice vs. the Farmari Bank of Salem.—The taxation of costs to be governed by the law as it was when judgment was recovered, not when varified was rendered, and jet to two opinion of the Conte.

Disamers and Wood us, the Croten Bourn—Commings and others vs. the same.—In this case to doge Mitchell gave a long written openen. No manualists was to same in either case, and the mandamus in the second case was donied with costs. Order below denying the mandamus affirmed with costs.

Renden W. Hones, President, de., vs. Fernando Wood, Magier, de.—In this case no decession was renderedefact a statements of facts must be submitted to the Judgment for the defendam.